

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**GREGGORY ANTHONY SMITH,**

**Civil No. 05-1185 PAM/SRN**

**Plaintiff,**

**v.**

**ORDER**

**DEPARTMENT OF CORRECTIONS and  
FENEIS Warden Ruch [sic] City MCF,**

**Defendants.**

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 2, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees, (Docket No. 2), be DENIED; and

2. This action be DISMISSED WITHOUT PREJUDICE.

DATED: September 26, 2005

s/ Paul A. Magnuson  
Judge Paul A. Magnuson  
United States District Court Judge